

UNAPPROVED/UNOFFICIAL - MINUTES

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NEW HAMPSHIRE STATE BUILDING CODE REVIEW BOARD

DRAFT - Minutes of Hearing - November 16, 2007

Attendance:

Senator Robert Clegg, Chairman, designee for Dept of Safety
Tedd Evans, Board for Licensing and Regulation of Plumbers, licensed master plumber
Thomas Malley, Bureau of Electrical Safety and Licensing, licensed master electrician
James Petersen, PE, Board of Engineers, licensed mechanical engineer
Mark Weissflog, NH Electrical Contractors Business Assoc., licensed master electrician
John Tuttle, NH Home Builders Association, Architectural designer - residential
Joel Fisher, Board of Engineers, licensed structural engineer
Jon Osgood, Public Utilities Commission, state energy conservation code office
Robert Ives, NH Plumbers and Mechanical Contractors Association, mechanical contractor
Mike Santa, CBO, Governor's Commission on Disability, Architectural barrier/free design
Michael Hoisington, Fire Marshal, NH Association of Fire Chiefs, active fire prevention officer
Jerry Tepe, Board of Architects, licensed architect
Wayne A. Richardson, NH Building Officials Association, municipal building official

Excused:

Laura A. Black, PE - Board of Engineers, licensed electrical engineer
Thomas Lambert, Chief, NH Association of Fire Chiefs, Municipal Fire
Fred Baybutt, Associated General Contractors, building contractor - non-residential bldgs.

Absent:

VACANT, NH Municipal Association

Guests:

None

Chairman Clegg declared this public hearing open with a quorum of Board members present.

Adoption of meeting minutes from October 12, 2007:

Chairman Clegg asked for a **MOTION** to adopt the meeting minutes from October 12, 2007. He accepted a **MOTION** and it was duly **SECONDED**. Discussion: there was none. The Chair called for a vote. Vote taken resulted in all in favor to adopt with one abstention.

PUBLIC HEARINGS/COMMENTS ON EXHIBITS

Proposed Amendments - Exhibit 29:

Chair asked if there was anyone from the public who wished to testify. Seeing none, closed the public hearing on Exhibit 29.

Proposed Amendments - Exhibit 36:

Chairman Clegg opened the PUBLIC HEARING on Exhibit 36. Chair asked if there was anyone from the public who wished to testify on this exhibit. Seeing none, closed the public hearing on this exhibit.

Proposed Amendments - Exhibit 37:

Chairman Clegg opened the PUBLIC HEARING on Exhibit 37. Chair asked if there was anyone from the public who wished to comment/testify. Seeing none, closed the public hearing on this exhibit.

Proposed Amendments - Exhibit 38:

Chairman Clegg opened the PUBLIC HEARING on Exhibit 38. Chair asked if there was anyone from the public who wished to comment/testify. Seeing none, closed the public hearing on this exhibit.

Proposed Amendments - Exhibit 39:

Chairman Clegg opened the PUBLIC HEARING on Exhibit 39. Chair asked if there was anyone from the public who wished to comment/testify. Seeing none, closed the public hearing on this exhibit.

Proposed Amendments - Exhibit 40:

Chairman Clegg opened the PUBLIC HEARING on Exhibit 40. Chair asked if there was anyone from the public who wished to comment/testify. Seeing none, closed the public hearing on this exhibit.

PUBLIC HEARING ON EXHIBITS CLOSED.

Proposed amendments to IRC 2006 - Exhibit 29:

Tedd Evans made the **MOTION** to adopt Exhibit 29. MOTION was **SECONDED** by Joel Fisher.

Discussion/Comments: Jerry Tepe asked for clarification to ascertain if the 'water temperature' was included in the changes. Tedd that he did send the Board members on the topic of water temperatures. He responded to each of the objections he was hearing at last months meeting in that packet of information. Legionella can be contracted from bacteria in residential water heaters. Many of the (possible) cases are not being diagnosed properly because they are being treated as pneumonia. Water should be stored at 140 degrees. The State of VT requires water heaters to be set at 140 degrees. The disease attacks those with compromised immune systems and the elderly if the Board does not address this - then we are putting those people at risk. Jerry said he was confused because each of these amendments calls for replacing the 140 degrees with 130 degrees. If it was a major concern he thinks that it would be dealt with at the National level. Tedd stated that one section of experts want to make sure that people are not scaled by the hotter water temperature - while the other section of experts want to make sure people are safe from Legionnaires disease by increasing it to 140 degrees. A mixing valve would take the water being used in the distribution system down to 130 degrees as its used - but would maintain the 140 degrees while being stored. Jerry said that in 2802.2 it says 140 or less for domestic water. He

remembers last month that the 10-17 devices are not calibrated to be able to specifically dial in 120, 130, or 140 degrees. He remembers that this same issue came up when the Board adopted the 200 Editions of these Codes, and this Board rejected those changes. Tedd said what they are trying to do is not allow it go up to 140 degree - once it comes out of the tank. They want it no higher than 130.

James Peterson - said that a lot of the Legion Ella issue is associated with the plumbing systems is associated with distribution piping. And water is allowed to stagnate in that critical temperature range and not be purged over long periods of time. He said that there is an energy use issue that can not be ignored. When water is stored - the 3 variables are the area between the two bodies - the resistance to heat flow (R-value) and the delta T. There were 15 reported cases of Legion Ella last year - and if the heat temperature was raised - that number would drop to 0. Jerry said to remember that this would only effect new construction - and would not effect those that are out there until the old water heaters die and are replaced.

Mark (inaudible last name) from the public spoke and asked if there were any other States that had adopted this standard. Tedd Evans said Vermont has adopted it. James stated that he has concerns about creating law that isn't best practice.

Tedd addressed the proposed amendment(s) in 306.5 - laundry - this is a conflict we found between the IRC and the IPC. The IRC has no requirement for an automatic clothes washer connections - the IPC does and does refer to residential. This is an attempt to make it consistent.

In the proposed amendment(s) in 2603.6.1 is the sewer depth. This is an amendment that has already been addressed. This would be a re-adoption.

In 2503.5 the proposed amendment is the testing of plastic piping systems should be limited to 5 pounds per square inch. There is an issue with manufacturers of plastic pipe who have suffered lawsuits having to do with explosions having to do with plastic pipes. Their approach has been in the past is to advise the installers not to test with air. Here in New Hampshire that would be pretty difficult to do with our freezing weather and no heat in a building and its 25 below - so this is a compromise. And it also addresses the gauges used and the increments used, where it can not be more than 3 times the amount of the test. (for example a 5 pound test must be done on a 15 pound gauge to show it accurately.)

2802 deals with temperature controls off combination potable water and space heating systems.

2903.7 size of water service mains. This is the minimum size water service pipe (this is the pipe that brings the water in from the street to the building rather than a well). A $\frac{3}{4}$ inch is the current requirement and its simply not adequate.

2903.10 for some reason the IRC had an exception that frost free hose bids did not need to be valved separately. The IPC makes this a requirement. Personally he would like to be able to turn the valve off and not have it flood his basement before he can get it fixed. Just a matter of practicality.

Primer and the rest - these are part of the existing amendments. Housekeeping amendments.

Jerry Tepe said that a Code is a minimum Code and you can install these connections if you want to. And as a technical point - in the IRC the term dwelling unit would be inappropriate. In the IPC you are dealing with dwelling unit which is a defined term which is not defined in the IRC. On the air test for the piping - there is a concern if the manufacturers instructions say do not use air - and you use air - regardless of what the pressure tests is - you are violating the manufacturers instructions and not sure what impact that might have on any warranty. Size of the water main again it's a minimum. Many times the foundations are in and water service is in before the plumbers are involved. The site contractor is responsible for the water main.

Jon Osgood made a **MOTION** to vote on the proposed amendments in Exhibit 29 - item by item. **MOTION** was **SECONDED** by Mike Hoisington. Vote taken was **UNANIMOUS** in favor.

1. R306.5 Laundry: Every dwelling unit shall be provided with an automatic clothes washer connection. Vote taken was by hand count. Motion **FAILED**.
2. P2603.6.1 - Sewer depth. This was **PASSED** last month. Just in case it was not in the right Code - the Chair asked for a vote again. Motion **PASSED**.
3. P2503.5 - Rough plumbing: rough testing/Air test. **AMENDMENT** by Tedd Evans "Air tests on plastic DWV (drainage waste and vent) pipe shall not exceed 5 pounds per square inch", was **MOTIONED** by Tedd Evans. Mike Santa **SECONDED** the **MOTION**. Chair asked for a vote. Voice vote was taken - results were **UNANIMOUS** in favor. Motion **PASSED**. 2503.5 as **amended** by Tedd Evans. Vote taken was by voice and was **UNANIMOUS** in favor.
4. P2802.2 Temperature control. Vote was taken by hand count. Motion **PASSED**.
5. P2804 Water temperature. Vote was taken by hand count. Motion **FAILED**.
6. P2804.2 Minimum water temperature. Vote was taken by hand count. Motion **FAILED**.
7. P2804.3 Maximum temperatures not to exceed 130 degrees. Vote was taken by hand count. Jerry Tepe wanted to make sure everyone knew that the number would now change because the previous 2 failed. Vote was taken by hand count. Motion **PASSED**.
8. P2903.7 Size of water service mains, branch mains and rivers: Changes from 3/4's to 1 inch. Vote was taken by hand count. Motion **FAILED**.
9. P2903.10 Hose bibb. Hose bibs subject to freezing shall be equipped with an accessible stop and waste type valve inside the building. Vote was taken by hand count. Motion **PASSED**.
10. 2904.9.1.3 PVC plastic pipe; P3003.9.2 Solvent cementing; P3003.14.2 Solvent cementing and P3101.1 Roof extension were taken as a group - to make sure they are passed in the right Code. Vote was taken by hand count. Motion **PASSED**.

Proposed amendments to 2006 IRBC Exhibit 36:

Swimming Pools, Spas and Hot Tubs - Wayne Richardson this was to bring Appendix G into the IRC because in IBC pools are part of the Code - but in the Residential Code its an appendix. Unless you specifically adopt an appendix you will have no residential code governing residential 1 and 2 family townhouses, or spas and hot tubs. Vote was taken by hand count. Vote was unanimous in favor. Motion **PASSED**.

Proposed amendments to 2006 IRC - Exhibit 37:

Wayne Richardson said that this was missed. This section has a lot to do with soil around a foundation. Joel Fisher said that there have been problems and has experienced structural failure. He does not think adopting this amendment is a good idea. The justification for the change was because we have been doing foundations like this for years and now people are wanting walls of 10 feet tall rather than the 7/8 foot ones and they are wanting longer expanses on the walls which puts more soil pressure on the wall. Mike Santa said the problem he sees is that you need a structural engineer or soil scientist to design a foundation for a single family home. It is putting a burden on the building inspector and contractor to determine what is required for an anchor system in a single family home foundation. It's complicated. He would prefer to take it out of the State Building Code and in 2009 go back in and look at it again. It seems over the top in his mind. John Tuttle asked if any other state has adopted or amended this section? (inaudible) Vote was taken by hand count. Motion **PASSED**. Jerry Tepe said that the proposed amendments are out there on the web if anyone wants to check it out and get more information.

Proposed amendments to 2006 IPC - Exhibit 38:

Tedd Evans said that these amendments very similar or exactly as we discussed earlier. He proposes an amendment to 501.9 on minimum water temperatures - what this Board did not do was to lower the water temperature to 130 degrees. Tedd Evans made a **MOTION** to accept all three of these amendments listed in Exhibit 38 and will amend 501.9 to a minimum temperature to 130 degrees. The Chair said we will take the amendments one at a time.

501.2 Water heater as space heater - vote was taken by hand count. Motion **PASSED** again.

501.6 Water temperature control in piping from tank-less heaters - vote was taken by hand count. Motion **FAILED** again.

501.9 Minimum water heater temperatures - first **MOTION** to vote on is the **amendment** to change from 140 degree minimum temperature to 130 degree minimum temperature. **MOTION** was made and **SECONDED**. Vote was taken by hand count. **Amendment** to Motion **FAILED**. There being no other amendments the Chair asked for a vote on the original amendment as published. Vote was taken by hand count on original proposed amendment. Motion **FAILED**.

Tedd Evans asked for a Point of Order. 501.2 Passed and 501.6 Failed. Is contradicting itself. They limit distribution temperature to 130 degrees. The Chair said that when you using the water heater as a space heater you are restricted to 130 degrees. Tedd Evans made a **MOTION** to reconsider 501.6. Mike Santa **SECONDED** the motion to reconsider. The Chair asked for a vote. Vote was taken by hand count. Motion **FAILED**.

Proposed amendments to IBC 2006 - Exhibit 39:

These are amendments on Shaft enclosures and Corridors. Chair asked for a vote. Vote was taken by hand count. Motion **PASSED**.

Proposed amendments to IMC 2006 - Exhibit 40

These are amendments on Shaft enclosures and Corridors/smoke barriers. Chair asked for a vote. Vote was taken by hand count. Motion **PASSED**.

OLD BUSINESS

Legal opinion from the Attorney General's Office on whether municipalities must enforce the "current" State Building Code even if the enforcement mechanism the municipality had adopted does not include a provision for enforcement of the most recent State Building Code. The Chair has filed a Bill in the Legislature so it can be debated properly, that gives the local building officials the authority to enforce the state-wide building code. It will end all the discussions and fights. Jerry Tepe asked if they had to adopt the Code or not. Chair Clegg said no they do not need to "adopt the code" because the Code is already adopted. The only thing they need to adopt is anything they want that is more stringent than what already exists. A municipality is required to enforce the current (most recent) version of the State Building Code even if it has enacted an enforcement mechanism that does not adopt the most recent State Building Code. The Chair will send the LSR as soon as its done.

Modular Home Industry tour - on hold until after the Holidays.

Energy Code Compliance discussion - shall be removed from the agenda. No discussion.

FAQ errors/Section on website - Jerry Tepe reported that they now should be able to get them finished up and reposted on the web. A portion should have been reposted. He will check with Marta.

E-mail article on air ducts - report from sub-committee - John Tuttle reported that the sub-committee has met and they are finalizing the report and they have come to a recommendation. The Chair wanted to let the committee know that there is a Bill in the works and he has given some information to the Senators working on it. The biggest fear is that people will start changing Code based on emotions instead of fact. He also cautioned about making sure the wording was acceptable and not subject to liable.

Conflict in NFPA 101 and 2006 IBC on areas of refuge: Mike Santa reported that there is an area of refuge in the Life Safety Code and the Building Code. In the 2006 Code the area of refuge for someone in a wheelchair is now required even in a sprinklered building. This is an important safety feature within a building. He had spoke with FMO Degnan and he believes the more restrictive/stringent requirement prevails. But the law does not state that. The IBC is the way to go. What the law said is if there is a conflict between the two on Fire Code issues - the Fire Code would take precedence.

NEW BUSINESS:

Legislation

LSR 2100 - Enforcement of modular building standards - extension of issues heard here - the people do not think they were given the proper amount time by the State - so they are putting in legislation.

LSR 2207 - Inspection of construction or alteration of publicly accessible buildings for compliance w/accessibility standards and making an appropriation therefore - this piece of Legislation goes way too far. It requires 3rd party inspectors which is a great expense. It is broad right now.

LSR 2325 - Modular building standards and fees - There is going to be an attempt to merge Modular with Manufactured.

LSR 2452 - Hazardous and dilapidated buildings - The City of Manchester is looking for some kind of Code that allows them to go into a building and start tearing down these buildings or do something. The Banks can be a problem.

LSR 2640 - State Building Code and the membership of the Heating System Certification Advisory Committee - what this does is add the International Fuel Gas Code 2006 and the International Electric Code 2006 to the current code. And they are adding 2 seats to the Committee. Tedd Evans spoke and said it will require people to get permits to do electrical work.

LSR 2723 - Allowing local building codes to add requirements for installation and inspection of heating and ventilation systems - this is the one on the panning issue.

LSR 2196 - Planning and zoning enforcement decisions - unknown what this yet.

Mark Weissflog asked to form a sub-committee for the 2008 National Electric Code Review Committee. Mark Weissflog, Wayne Richardson, Tom Malley and ?

ADJOURNMENT

MOTION was made to adjourn. Motion was **SECONDED** by Mark. Chairman Clegg declared the meeting adjourned at 12:10.